



# Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT  
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.  
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## The Impacts of the Declaration on the Rights of Indigenous Peoples for the Tohono O'odham Nation

Dr. Ned Norris, Jr., Chairman of the Tohono O'odham Nation  
April 26, 2012



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The passage of the United Nations Declaration on the Rights of Indigenous Peoples and its subsequent adoption by the United States was a profound step forward for native peoples here in Southern Arizona and around the world.

The beauty of the Declaration is that everyone approaches it from a different perspective. It allows for a constructive discussion about the serious issues facing indigenous peoples that can lead to positive solutions and real change.

This Declaration has particular significance for the Tohono O'odham Nation, given our unique history. We have lived on the lands that make up southern Arizona and northern Mexico since time immemorial.

Historically, the O'odham inhabited land that went south into what is today Sonora, Mexico, north past what is today Phoenix, west to the Gulf of California, and east to the San Pedro River. The ancient Hohokam—which the O'odham are direct descendants of—first settled mainly along the Salt, Gila and Santa Cruz Rivers. They learned how to live in the desert land and were able to grow a variety of crops.

From the early 18th Century to the present, the O'odham land was occupied by foreign governments. With the independence of the Republic of Mexico, the O'odham fell under Mexican rule. Then, in 1853, through the Gadsden Purchase, or Treaty of La Mesilla, O'odham land was divided almost in half, between the United States of America and Mexico.



Today, approximately nine O'odham communities remain south of the international border. Ensuring that our members on both sides of the border can visit relatives and attend cultural events without difficulty remains a major issue that the Nation continues to grapple with.

Article 36 of the Declaration specifically addresses these concerns, affirming the right of indigenous peoples divided by international borders to maintain and develop contact with members across borders. Article 36 also instructs states to consult with indigenous populations to ensure the full exercise and implementation of this right.

Obtaining free movement across the border for the O'odham remains a challenge to this day, as increased border security measures and other restrictions have made such travel increasingly difficult. Many of our members, particularly our elders, lack the birth certificate necessary to obtain a passport.

The Obama Administration's adoption of the Declaration has served as an important reaffirmation of the federal government's commitment to facilitating cross-border travel and connections for the Tohono O'odham Nation and other tribes divided by international borders.

The Nation is currently working with the federal government to develop an Enhanced Tribal ID Card to be used in place of a passport while meeting new security requirements. But many issues related to cross-border travel by O'odham remain unresolved.

The Declaration further bolsters the need for close cooperation between the federal government and the Nation to uphold the Nation's right to maintain contact and connection with its members in Mexico.

Another perfect example of the Declaration's relevance to the issues confronting us today can be found in the proposed Rosemont Copper mine in the Ce:wi Duag (Santa Rita Mountains) south of Tucson.

The location of the Rosemont Copper Project is on the Nation's ancestral lands and would destroy cultural and archeological sites containing numerous funerary objects, sacred objects, and other archeological and cultural items, as well as permanently altering the Cultural and Natural Landscapes of the area.

More specifically, the proposed Rosemont Mine and associated proposed Tucson Electric Power Company power line to be constructed to the Rosemont Mine Site will result in the destruction of 111 cultural sites (77 are prehistoric, 29 are expected to contain human remains) in the mine area and an additional 7 sites along the power line right-of-way.

Article 11 of the Declaration reaffirms that indigenous peoples have "the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites." Article 8 provides that "indigenous peoples and individuals have the right not to be subjected to destruction of their culture." It is these rights that the Rosemont project threatens.

The entire Ce:wi Duag (Santa Rita Mountains) was traditionally used by the Tohono O'odham for hunting, gathering and many other culturally significant purposes and has significant importance amongst the O'odham.

All societies value and cherish places that tell a story of their ancestry to future generations. The prospect of 20 plus years of excavation, blasting and application of harmful chemicals to leach out minerals to such culturally and historically significant places has driven the Tohono O'odham Nation Legislative Council as well as its San Xavier District to pass Resolutions opposing this dangerous project.

For at least two decades our people will not be able to access traditional sites used for gathering and collecting of materials for basket-making, the collection of medicine plants, special clays for pottery, special soils for making paints for the pottery, vision quest sites and springs.

As a result of this mine, Ce:wi Duag will be forever degraded and our peoples' traditions associated with this area will be lost forever. In my view the destruction of cultural sites and landscapes on this scale is nothing short of cultural genocide.

As Associate Justice Brennan of the U.S. Supreme Court said in the *Lyng v. Northwest Indian Cemetery Association* case, *"Where dogma lies at the heart of western religions, Native American faith is inextricably bound to the use of land. The site-specific nature of Indian religious practice derives from the Native-American perception that land is itself a sacred, living being."*



Native American peoples within the United States as well as Indigenous Peoples around the world are facing human rights violations that are a holdover from the colonial period when Indigenous Peoples were subjugated and their equal rights not legally recognized.

The Rosemont mine and power line represents a continuation of this process, one that needs to stop. Under the Declaration and its other obligations to Indian Tribes, the federal government must take action, whether regulatory or legislative, to protect the sacred sites of the O'odham.

Given all of these challenges, it is my firm belief that the Declaration on the Rights of Indigenous Peoples will continue to facilitate a respectful and productive dialogue on the challenges facing native communities.

Indigenous people must have a voice on policies that impact them as individuals and communities. The governments that have adopted this Declaration must and will be held to their commitments. We must all work together to ensure that the rights of native peoples are treated with the same dedication as all other human rights.